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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO
09/857,518	12/12/2001	Asaph Aharoni	4916US	5379
7590 04/08/2004			EXAMINER	
Trask Britt & Rossa			KALLIS, RUSSELL	
P O Box 2550 Salt Lake City, UT 84110			ART UNIT	PAPER NUMBER
			1638	

DATE MAILED: 04/08/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary Examiner		Application No.	Applicant(s)				
## Part							
Period for Reply A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 1 MONTH(S) FROM THE MAILING DATE of this communication appears on the cover sheet with the correspondence address Period for Reply A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 1 MONTH(S) FROM THE MAILING DATE of PTHIS COMMUNICATION. Liberations of two vity recombinate cores the communication. If the period for treaty spacehold above is with ben filled 2021 above. In received, in received, may a reply be limitely filled series St. (A) (MONTHS from the maining date of this communication. If the period for reply spacehold above is with ben filled 2021 above. In received, with the saduble symmetry of the 500 (3 days with be communication. If the period for reply spacehold above is with the mining date of this communication. If the period for reply spacehold period for feather the mining date of this communication. If the period for reply spacehold period for feather the mining date of this communication, and the period for the mining date of his communication, and the period for the period for the period for the mining date of his communication, and the period for the period for the period for the mining date of his communication is shortly and the period for the mining date of his communication. 1) [2] Responsive to communication (s) filed on 12 December 2001. 2) [3] This action is FINAL. 2b) [3] This action is non-final. 3) [3] Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Expande Quayle, 1935 C.D. 11, 453 O.G. 213. Disposition of Claims 4) [3] Claim(s) [1-40 and 43 is/are pending in the application. 4) [3] Claim(s) [1-40 and 43 are allowed. 6) [4] Claim(s) [4] [4] [4] [4] [4] [4] [4] [4] [4] [4]	Office Action Summary						
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Application/Control Number: 09/857,518

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DETAILED ACTION

Election/Restrictions

Restriction is required under 35 U.S.C. 121 and 372.

This application contains the following inventions or groups of inventions which are not so linked as to form a single general inventive concept under PCT Rule 13.1.

In accordance with 37 CFR 1.499, applicant is required, in reply to this action, to elect a single invention to which the claims must be restricted.

Group I, claim(s) 1-18, 22-33, 35-40 and 43, drawn to isolated DNA sequences encoding polypeptides involved in the biosynthesis pathway for aliphatic and/or aromatic ester production, methods of using said sequences, and a diagnostic kit comprising said DNA sequences.

Group II, claim(s) 19-21, 34 and 43, drawn to isolated and purified polypeptides involved in the biosynthesis pathway for aliphatic and/or aromatic ester production and a diagnostic kit comprising said polypeptides.

The inventions listed as Groups I-II do not relate to a single general inventive concept under PCT Rule 13.1 because, under PCT Rule 13.2, they lack the same or corresponding special technical features for the following reasons: the special technical feature of a polynucleotide encoding a polypeptide involved in the biosynthetic pathway for aliphatic and/or aromatic ester production in fruit comprising a fragment of SEQ ID NO: 30 was known in the art. Manning K., WO 97/27295 published 31 July 1997, teaches a DNA fragment isolated from a cDNA library of strawberry ripening genes encoding a fragment of a pyruvate decarboxylase polypeptide in SEQ ID NO: 34 on page 54. Further, the isolated DNA sequences of Group I encoding a polypeptide involved in the biosynthesis pathway for aliphatic and/or aromatic ester production, and the polypeptide sequences of Group II do not exhibit a corresponding special technical feature.

Applicant is advised that the reply to this requirement to be complete must include an election of the invention to be examined even though the requirement be traversed (37 CFR 1.143).

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Upon election of one of Group I, applicant should elect a single nucleic acid sequence encoding a single amino acid sequence from the group consisting of SEQ ID NO: 6, 14, 19-30; and a single nucleic acid sequence encoding a single amino acid sequence from the group consisting of SEQ ID NO: 31, 32, 33, 34, 39, 40, 41 or 43. Upon election of one of Group II, applicant should elect a single amino acid sequence from the group consisting of SEQ ID NO: 4, 16, 27-30 and a single amino acid sequence from the group consisting of SEQ ID NO: 31-34, 39-41 and 43. This requirement is not to be construed as a requirement for an election of species, since each of the nucleic acid sequences or amino acid sequences recited in alternative form is not a member of a single structurally and functionally related genus, but rather constitutes an independent and patentably distinct invention. Separate searches and considerations would be required for examination of each of the nucleic acid sequences.

Applicant is reminded that upon the cancellation of claims to a non-elected invention, the inventorship must be amended in compliance with 37 CFR 1.48(b) if one or more of the currently named inventors is no longer an inventor of at least one claim remaining in the application. Any amendment of inventorship must be accompanied by a request under 37 CFR 1.48(b) and by the fee required under 37 CFR 1.17(i).

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Russell Kallis whose telephone number is (571) 272-0798. The examiner can normally be reached on M-F 8:30-5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Amy Nelson can be reached on (571) 272-0804. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Russell Kallis Ph.D. March 31, 2004

ASHWIN D. MEHTA, PH.D. PATENT EXAMINER: